

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
RESOLUTION NO.
VIOLATION OF STIPULATED JUDGMENT BY
MA-RU HOLDING COMPANY AND THE
BONZI SANITATION LANDFILL
STANISLAUS COUNTY

WHEREAS, a Stipulated Judgment for injunction, civil penalties, and relief (Case. No. 376882) has been filed with the Superior Court of the State of California for the County of Stanislaus regarding the Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill (hereafter Discharger); and

WHEREAS, the Discharger's landfill is on a 128-acre parcel comprised of Assessor's Parcel Numbers 17-41-36 and 17-41-11, and is found in Section 12, T4S, R4E, MDB&M; and

WHEREAS, the Stipulated Judgment includes Exhibit A (Terms and Conditions) and Exhibit B (Terms and Conditions Summary and Stayed Penalties). The Discharger must comply with the Terms and Conditions listed therein or be subject to the specified stayed penalty; and

WHEREAS, Item No. 17 of Exhibit A for maintaining the closed WMU I states that "By 1 February 2006, ...the Discharger shall ... provide a mechanism and a funding source ... for maintaining the closed WMU I in compliance with Title 27, Division 2, Chapter 6 and 40 CFR Part 258.61. The Discharger shall also provide a mechanism and funding source that complies with Title 27 and 40 CFR Part 258.72": and

WHEREAS, Item No. 17 of Exhibit A states that "By 1 February 2006, ... the Discharger shall ... provide a mechanism and a funding source that complies with Title 27, Division 2, Chapter 6 and 40 CFR Part 258.61 and 258.73 for the corrective action, post closure maintenance and closure of waste management units II, III and IV"; and

WHEREAS, on 31 January 2006 the Discharger submitted the Financial Assurance Report required by Item No. 17. However, the report failed to provide a mechanism and a funding source for maintaining the closed WMU I, and a mechanism and a funding source for the closure and post closure maintenance of WMUs II, III and IV; and

WHEREAS, on 26 July 2007 the California Integrated Waste Management Board informed the Regional Water Board that the Discharger had not made any contributions to the post closure maintenance accounts since July 2005.

WHEREAS, the Stipulated Judgment states that failure to comply with the Terms and Conditions shall result in the immediate payment of penalties. Exhibit B defines the penalty for failing to provide financial assurances mechanism and funding source by 1 February 2006 for post closure maintenance of WMU 1, and closure and post closure maintenance of WMUs II, III and IV as \$100,000; and, therefore, be it

RESOLVED that the Regional Board has determined the Discharger has violated Item No. 17 of the Stipulated Judgment and therefore shall immediately remit \$100,000 in the form of a check made payable to the *State Water Resources Control Board Cleanup and Abatement Account*.

I, PAMELA CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region on _____.

PAMELA CREEDON, Executive Officer

hfh: 26 October 2007